

AMENDMENTS TO THE DRAWING:

Regarding Paragraph 1:

The terms first, second and third logic apparati have been deleted from claims 2-6. The threshold circuit performs the first, second and third logic functions, as described in the specification at page 6, line 20 continuing to page 7, line 18.

The threshold circuit sets the values of the thresholds, as described in the specification at page 7, lines 9-11. Claim 9 has been amended to change the term “threshold setting apparatus” to “the threshold apparatus”.

The drawing has been amended to change the title of reference character 119 to “Updated Transmit Rate Register”.

The term “the queue monitoring and computing apparatus” has been deleted and sub-paragraph (e) has been combined with sub-paragraph (d).

Regarding Paragraph 2:

The drawing has been amended to delete reference characters 126 and 128 and the connecting circuitry to reference characters 122 and 130.

Regarding Paragraph 3:

Figure 1 has been amended to overcome the Examiner’s objection.

Figure 2 has been amended to delete reference characters 216, 218 and 220 which are not described in the specification.

Replacement Sheets for Figs. 1 and 2 are attached hereto. Entry of the amended drawings and withdrawal of the objection to the drawings under 37 CFR 1.83(a) are requested.

REMARKS

Reconsideration and allowance of the claims pending in the application are requested.

Claims 1-22 are pending in the application.

The drawings have been objected to under 37 CFR 1.83(a) as failing to (a) show each and every feature of the invention specified in the claims or (b) including reference characters not mentioned in the specification and (c) mislabeling of reference characters in the drawing

The specification has been objected to because of reference character informalities.

Claims 1-22 have been rejected under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claims 1 and 4-10 have been rejected under 35 USC 102(e) as being anticipated by USP 6,385,168 to Davis et al., issued May 7, 2002, and filed June 19, 1997 ("Davis").

Claims 2-3, 12-14, 16-18 and 20-22 would be allowable if rewritten to overcome the rejections under 35 USC 112, second paragraph, set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims.

Claim 11, 15 and 19 would be allowable if rewritten to overcome the rejections under 35 USC 112, second paragraph, set forth in the Office Action.

The drawing has been amended to overcome the objections under 37 CFR 1.83(a). In addition Figure 2 has been amended to delete steps 216 – 220 which are not described in the specification.

The specification has been amended to overcome the objections relating to reference character informalities.

Claims 3, 4, 5, 6, 9, 10, 11, 15 and 19 have been amended to overcome the rejection under 35 USC 112, paragraph 2.

Claims 1 and 2 have been canceled and rewritten as claim 23 incorporating amendments in claims 1 and 2 to overcome the objections and rejection under 35 USC 112, second paragraph. Claim 23 is believed to be in condition for allowance, which applicants so request.

Claims 3 – 10 have been amended to overcome the objections and rejections under 35 USC 112, second paragraph and now depend upon claim 23. Claims 3-10 are believed to be in condition for allowance, which applicants so request.

Claims 11, 15 and 19 have been amended to overcome the objections, and are believed in condition for allowance together with their related dependent claims 12-14; 16-18 and 20-22, respectively, which applicants so request.

The rejections of claims 1 and 4 -10 is moot in view of the cancellation of claim 1 and amending claims 4 – 10 to be dependent upon claim 23, deemed allowable subject matter.

In any case, the present invention (Bass) will be distinguished from Davis, as follows:

Davis discloses fairly allocating available bandwidth between contending connections at a contention point in a data network using ER algorithms which achieve a max-min distribution of bandwidth at the connection point. The method comprises monitoring the aggregate cell queue depth at the contention point, comparing the aggregate queue depth associated with the aggregate traffic stream at the contention point with a predefined queue depth threshold and periodically generating a function therefrom; calculating the currently offered bandwidth at the contention point based on the aforementioned function and the offered bandwidth of a previous calculation; periodically generating an offered cell rate value for the contention point based on the currently offered bandwidth and a service weight assigned to the traffic stream; and returning the offered cell rate value to the source for updating the flow rate of the traffic stream therefrom.

In contrast, Bass discloses a credit based digital communication network adapted to prevent overflow or underflow of a data storage queue in a receiver by generating a transmit rate value as a feedback to the sender. The maximum capacity of the receiving queue is designated Q_{max} , so at any time, $0 \leq Q \leq Q_{max}$. Two thresholds $T1$ and $T2$ (with $0 < T1 < T2 < Q_{max}$) of levels of the receiver queue value Q are determined based upon queuing analysis. A transmit rate is then selected from the possible values by comparison of the receiver queue Q to the thresholds. The transmit rate value so calculated achieves the desired goals of avoiding overflow and, once the lower threshold has been a positive value at least once, avoiding underflow. As a result the receiver queue is never completely full and never completely empty, regardless of the rate R at which the receiver queue is drained, with $0 \leq R \leq Max$.

Davis fails to disclose features of the present invention, as follows:

1. Davis manages bandwidth at a contention point whereas Bass manages underflow and overflow in a receiver.
2. Davis uses an ER algorithm to achieve fairness at the contention point whereas Bass uses queuing analysis to establish thresholds for preventing overflow and underflow in a receiver.
3. Davis calculates an explicit transmit rate whereas Bass calculates thresholds and a transmit rate is selected from possible values by comparison of the receiver storage occupancy to the threshold.

Summarizing, without a disclosure of the claimed subject matter, Davis fails as a basis for rejecting claims 3-23 under 35 USC 102 (e).

CONCLUSION:

Having amended the drawing, specification and claims to overcome the objections and rejection under 35 USC 112, second paragraph; canceled and re-written claims 1 and 2 as New Claim 23, thereby placing claims 3-23 in condition for allowance, applicants request entry of the amendment, allowance of the claims and passage to issue of the application.

AUTHORIZATION:

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to **Deposit Account No. 09-0464**, Order No. **RAL200010018US1 (1963-7415)**. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to **Deposit Account No. 09-0464**, Order No. **RAL200010018US1 (1963-7415)**. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,

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